

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID SIMMONS,
Plaintiff

Case No. 2:10-cv-11857
Honorable Bernard A. Friedman

vs.

STATE FARM INSURANCE COMPANY,
Defendant.

Law Office Of Carl L. Collins, III
Carl L. Collins, III (P55982)
Attorneys for Plaintiff
18100 Meyers Rd., Ste. 392
Detroit, MI 48235
(313) 341-4100
(313) 340-0469 fax

Secrest Wardle
Nathan J. Edmonds (P51453)
Attorney for Defendant
94 Macomb Place
Mt. Clemens, MI 48043
(586) 465-7180
(586) 465-0673 (Fax)

**ATTORNEY CARL L. COLLINS III'S MOTION TO
ENFORCE SETTLEMENT**

NOW COMES, LAW OFFICES OF CARL L. COLLINS III and in support of his
motion states the following:

1. That ATTORNEY CARL L. COLLINS III represented DAVID SIMMONS, in the
above matter.
2. That on August 23, 2011, this Court held a Final Pretrial on this matter, wherein a
settlement was reached to to satisfy Plaintiff's no-fault claims. Accordingly, the
same was put on the record.

3. That Plaintiff David Simmons stated on the record that he agreed to the settlement and that he knowingly, voluntarily, and intelligibly, entered into the same. Plaintiff also indicated that he was satisfied with the representation of counsel.
4. That the Defendant prepared a Settlement Release form, which was modified, reviewed, and agreed to by the parties. Subsequently, the parties submitted a modified copy of this document to this Court prior to the entering of the settlement on the record.
5. The Court has retained a copy of the Settlement Release form to be added to the Court's file.
6. That in accordance with said Settlement, this Court entered an order dismissing this case with Prejudice. Exhibit A. Further This Court retained jurisdiction for ten (10) days following the entry of the Order.
7. That on August 24, 2011, Defendant forwarded a revised copy of the Settlement Release document to Plaintiff's counsel
8. That on August 24, 2011, Plaintiff David Simmons advised his counsel that he does not wish to go forward with the settlement.
9. That Plaintiff's counsel has requested Mr. Simmons to execute the same.
10. That Mr. Simmons has refused to sign the Settlement Release Documents so that this matter may be resolved in accordance with the parties' statements on the record.

11. Further, Plaintiff David Simmons also advised counsel's office that he no longer wants to retain their services and seeks to pursue this matter on his own. (Exhibit B: Affidavit by David Simmons filed on 8/26/11).
12. That there has been a breakdown in communication between Plaintiff and his present counsel.

WHEREFORE the Plaintiff's counsel prays that this Honorable Court grant the motion:

- a. Allowing for the enforcement of settlement agreement as described herein.
- b. Further, that this Court approve and permits Plaintiff's counsel to disburse settlement proceeds in accordance with the governing law in this matter; allowing for payment of Plaintiff's counsel fees, medical bills, and Plaintiff's replacement (household) services; and
- c. Furthermore, that the Law Offices representation of Mr. Simmons be terminated upon the final disbursement of settlement proceeds.

Respectfully Submitted
/s/ Christina McPhail
CARL L. COLLINS, III (P55982)
CHRISTINA R. MCPHAIL (P70739)
Law Offices of Carl L. Collins, III
Attorneys for Plaintiff
18100 Meyers Road, Suite 392
Detroit, MI 48235
(313) 341-4100
listing36@aol.com

Dated: August 29, 2011

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, August 29, 2010, by electronic and/or first class U.S. mail.

/s/Christina R. McPhail
Attorney for Plaintiff
(313) 341-4100